

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

MULHOLLAND ENERGY SERVICES, LLC	§	
	§	
Plaintiff,	§	
	§	
v.	§	CASE NO. SA-24-CA-00093-XR
	§	
KLAUS, INC.	§	
	§	
Defendant.	§	

DEFENDANT KLAUS, INC.’S ADVISORY TO THE COURT

Defendant Klaus, Inc., (hereinafter, “Klaus”), hereby submits this Advisory to the Court pursuant to this Court’s Standing Order Concerning Removed Cases filed January 30, 2024.

A. ADVISORY TO THE COURT

1. Although Plaintiff’s Original Petition was filed on September 28, 2023, Plaintiff failed to serve Klaus as acknowledged in its Affidavit of Non-Service, filed on December 26, 2023. The Plaintiff’s First Amended Petition filed on December 26, 2023, states that Klaus had not yet been served. Subsequent to December 26, 2023, counsel for Plaintiff and counsel for Defendant Klaus agreed Defendant Klaus would accept service of the Petition as of January 2, 2024. *See* Exhibit 1, attached hereto, email between Counsel. Thus, the Notice of Removal filed January 23, 2024 [Dkt. No. 1] was filed less than 30 days after service. *See* 28 U.S.C. § 1446(b).

2. Defendant Klaus, the only defendant in this action, is not a citizen of Texas.

3. Not applicable. Defendant Klaus is the only defendant in this action, and thus there are no other defendants who could join in the Notice of Removal.

4. This case was removed from Atascosa County.

PRAYER

WHEREFORE, Defendant Klaus, LLC respectfully requests that this Honorable Court remove the State Court Action styled *Mulholland Energy Services, LLC v. Klaus, Inc.* and designated as Case No. 23-09-0608-CVA, in the County Court at Law of Atascosa County, Texas, to this Federal court.

Respectfully submitted,

CONNER & WINTERS, LLP

s/Ryan Scharnell

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above and foregoing was served on this 6th day of February 2024, pursuant to the Federal Rules of Civil Procedure, CM/ECF, to:

Magana & Van Dyke, PLLC

Jason Lee Van Dyke

Texas Bar No. 24057426

1417 E. McKinney St., #110

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s/Ryan Scharnell

Ryan T. Scharnell